The Planning Inspectorate

Application Decision

Hearing held on 14 August 2014

by Heidi Cruickshank BSc MSc MIPROW

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 27 March 2015

Application Ref: COM 536
Long Stone Croft, Sancreed, Cornwall
Register Unit No: CL506[1]
Commons Registration Authority: Cornwall Council

- The application, dated 6 March 2013, is made under paragraph 4 of Schedule 2 of the Commons Act 2006.
- The application is made by Mr D Coles on behalf of Save Penwith Moors.
- The application is to register waste land of a manor in the Register of Common Land.

Decision

1. The application is approved in part. The land outlined in red, with the exception of that cross-hatched red, on the plan attached to this decision shall be added to the Register of Common Land.

2. To be clear, due to the scale of the mapping, the areas to be registered are:
   - the areas within the corridor of the Old North Road ("the ONR"), formed by walls and fences, with the exception of the ONR itself and a 1 metre roadside verge on either side;
   - the areas to the north-west, comprising a track and adjacent land formerly part of the tithe apportionment number 1976;
   - the area to the south, comprising the verge to a track, formerly part of the tithe apportionment number 1896.

Procedural Matters

The application

3. The original application was for a block of land, lying south-east of Woon Gumpus Common, common land register unit CL271. Cornwall Council, the Commons Registration Authority ("the CRA"), advised that part of that land, lying generally to the east, was not access land under the Countryside and Rights of Way Act 2000 ("the 2000 Act"), which led Save Penwith Moors ("the applicants") to remove that area from the application.

4. There is no mechanism within the Commons Act 2006 ("the 2006 Act") for amendment of the application once it has been duly made. However, in *Oxfordshire County Council (Respondents) v. Oxford City Council (Appellants) and another (Respondent) and others, 2006*[2] it was said that "*It would be pointless to insist upon a fresh application (with a new application date) if no prejudice would be caused by an amendment…"*. Whilst this was a case to register a town or village green under the Commons Registration Act 1965

[1] Original common land register number
[2] [2006] UKHL 25, [2006] 2 AC 674, [2006] 4 All ER 817 (BBE)

("the 1965 Act"), I consider that the principle holds good here. Having raised the matter at the hearing, I am satisfied that no prejudice arises from the amendment in this case.

Notification

5. Concerns were raised that notice of the application to the landowners and occupiers was not given until six months after the application had been made. Whilst I am aware that this has caused some unhappiness, the CRA confirmed that there is no requirement under the 2006 Act, or associated regulations[3], for notice to be given at the time that the application is made. The CRA is required to carry out certain steps prior to the giving of notice, which will tend to delay the timescales.

6. I am satisfied that all that was required by the regulations was done. People were able to make their objections and representations to the application and attend the hearing to give their evidence. No prejudice has arisen in this case.

The hearing

7. Following notice of the application in September 2013, there were three objections against various parts of the application made by the CRA, a landowner and a tenant, as well as three representations in support. Following requests to be heard, the Planning Inspectorate decided that the matter would be best determined by way of a public hearing.

8. Unfortunately, the notice of the hearing was ambiguous as it was headed 'Public Inquiry' but the body of the notice, and correspondence to the parties, referred to a 'hearing'. I raised the matter at the outset as to whether people were expecting a hearing or an Inquiry and adjourned to allow some discussion, as a result of which all parties said that they were satisfied that the hearing process was appropriate. Taking account of the understanding of those involved, and being satisfied that no prejudice arose to any case made to me as a result of this matter, I continued with the event as a hearing.

The Application Land

9. The land under consideration comprises in part the ONR, an unclassified public highway running generally north-west/south-east. Application land to the south-west of the ONR belongs to Little Sellan, Sancreed. Two blocks of land to the north-east of the ONR belong to the Tregothnan Estate, with both areas farmed under the same tenancy. The application also relates to a track on the north-western edge, forming the boundary with Woon Gumpus Common. Additionally, there is a small strip of land, which is the northern verge of an access track running to the east from the Air Traffic Control Station.

10. The majority of the land now under consideration has been recorded as access land under the 2000 Act, the exception being small areas alongside the north-western track. Access land includes land mapped as open country, which is wholly or predominantly mountain, moor, heath or down. Each of these categories has a description, which was used in determining whether or not land parcels should be included as access land, or 'open country'.

[3] The Commons Registration (England) Regulations 2008, Statutory Instrument 2008 No. 1961 and The Commons Registration (England) (Amendment) Regulations 2009, Statutory Instrument 2009 No. 2018

11. The area has been referred to as Long Stone Croft, which relates to the name of one of the tithe apportionment areas, where a standing stone is situated, with other areas known as Dry Carn or Tri Carn, as shown on other mapping.

Main Issues

12. The application has been made in accordance with the provisions of paragraphs 4(2) and (5) of Schedule 2 to the 2006 Act. There is no indication that the requirements of the regulations have not been met and the application has been accepted and submitted to The Planning Inspectorate by the CRA.

13. The main issue is whether the land is waste land of a manor and whether:

    a) the land was provisionally registered as common land under section 4 of the 1965 Act;

    b) an objection was made in relation to the provisional registration; and

    c) the provisional registration was cancelled in the circumstances specified in sub-paragraphs (3), (4) or (5). Sub-paragraph (5), on which the applicants rely, requires that the person on whose application the provisional registration was made requested or agreed to its cancellation (whether before or after its referral to a Commons Commissioner).

14. The onus of proving the case in support of the correction of the register of common land rests with the person making the application, and the burden of proof is the normal, civil standard, namely, the balance of probabilities.

Reasons

Whether the land was provisionally registered as common land under section 4 of the 1965 Act

15. An application dated 28 June 1968, reference No. 1054, was made by Mr S Jane to record a right of common to graze 20 head of cattle. The application indicated that the land was commonly known as Woon Gumpus Common. I agree with the parties that the application is confusing, with many crossings out, and the plan is not particularly clear.

16. In relation to the application before me the CRA objected to the inclusion of the land to the north-east of the ONR, within the Land Registry unit CL 273677 belonging to Tregothnan Estate, on the basis that the map attached to the 1968 application had been interpreted incorrectly. They believed that it should have only shown parts of the land south-east of Woon Gumpus Common, along with footpath access through the land to the east of the ONR.

17. Sub-paragraph 4(2)(b) of the 1965 Act sets out that the registration authority "…*shall so register any land in any case where it registers any rights over it under this section*." As a result, the application to register the right to graze cattle triggered the registration of the land. Whilst I understand the concerns of the CRA as to whether the entirety of it should have been registered under the 1965 Act, or whether a mistake was made at the time, that question is not before me. I simply need to determine whether it was provisionally registered as common land under section 4 of the 1965 Act, which I am satisfied was the case. The applicants withdrew part of the affected area of land from their

application for other reasons but I am satisfied that I should consider the areas remaining as part of their application.

18. I was also referred to another application, reference 1999, made by the St Just and Pendeen Old Cornwall Society ("the SJ&POCS") on 28 December 1969. It had initially been thought that this related to the same area of land or may relate to the access track on the north-western edge of the application. However, having had the advantage of viewing the original application documents at the hearing, and taking account of the comments of the parties, it is not clear that this is the case. The attached maps do not appear to relate to the land and, unlike the 1968 application, the register unit CL 506 is not noted on top right hand corner of the application, which I understand to have been an administrative note on the part of the CRA at the time.

19. Nonetheless, the register contains an entry that at 20 Mar 1970 "*The application of St. Just and Pendeen Old Cornwall Society…No. 1999…is noted in respect of the registration…".* Sub-paragraph 4(4) of the 1965 Act sets out that "*Where, in pursuance of an application under this section, any land would fall to be registered as common land or as a town or village green, but the land is already so registered, the registration authority shall not register it again but shall note the application in the register*." I note that in addition to the 1969 application reference was also made in the register to applications from the SJ&POCS dated 9 February and 17 June 1971 and 3 January 1973. It may be that one of these applications relates to the land, but they were not available to the hearing.

20. Whilst there is some confusion as to the process leading to the provisional registration, the land is so registered. The opportunity to challenge provisional registration under CL 506, on the basis that it was not carried out correctly, has now passed.

Whether an objection was made to the provisional registration

21. Several objections were lodged to the inclusion of the CL 506 as common land in the register, references X464, X763, X1053, X1192 and X1212, with the first three objections noted to have led to the cancellation of the registration.

Whether the provisional registration was cancelled as set out in sub-paragraph (5)

22. Sub-paragraph 4(5) of the 1965 Act requires that the person on whose application the provisional registration was made requested or agreed to its cancellation. There is no indication that Mr Jane had written to withdraw his application. The letter from the SJ&POCS, dated 28 May 1971, refers to a desire to withdraw the application in relation to CL 506 by reference to X763, which relates to the objection of Mr W James to the inclusion of the ONR and land to the south-west.

23. A letter from the SJ&POCS, dated 14 June 1971, refers to withdrawing the application by reference to X464, which relates to the objection of Mr H Hosking. The attached map suggests that this relates to land on the north-western end of Woon Gumpus Common, register unit CL271, but appears to be within the overall area identified by Mr Jane.

24. The SJ&POCS letter of 15 September 1972 relates to withdrawal of the application in relation to CL 506 by reference to X1053 etc. X1053 was the objection of Rt. Hon. George Hugh, Viscount Falmouth, who remains the owner of the relevant land north-east of the ONR. He also made the objections X1192 and X1212, which are likely to relate to the 'etc' note. There was no map attached and so the area of land to which he was referring is unknown.

25. There is some confusion in the provisional registration and subsequent withdrawal of the application. There is evidence of one party having made the application but not of his withdrawal, along with limited evidence of another party having applied in relation to the land but being the party who then withdrew their application in the circumstances that appear to meet the requirements of paragraph 4(5) of Schedule 2 to the 2006 Act.

26. Given that these events occurred some forty years ago, it is hardly surprising that the documentation is incomplete. As pointed out by the CRA, if the application had not been withdrawn then it would have needed to be referred to the Commons Commissioners, which did not occur. Since that time, the relevant parties appear to have acted as if all was done that should have been done and so I consider that the presumption of regularity must apply. On the balance of probabilities, the land was correctly provisionally registered and subsequently properly withdrawn from the register under the 1965 Act.

Whether at the time of the application the land was waste land of a manor

'Of a manor'

27. Land '*of a manor'* has been held to mean land which is, or was formerly, connected to a manor. The applicants made the point that land could be bought and sold and so belong to different manors at different times, for example, the manor of Tregonebris is referred to in the Lakes Parochial History, although tithe documentation refers to the Manor of Gwidden.

28. The Tithe Commutation Act 1836 (as amended by the Tithe Act Amendment Act, 1837) converted tithes (the tenth part of the annual produce of agriculture) provided for the support of the priesthood and religious establishments, into a tithe rent-charge, a monetary payment based on the seven year average price of wheat, oats and barley. This was normally done parish by parish and resulted in some 12,000 documents which apportioned the payment over the different lands in the tithe district. The apportionment of tithes was recorded in a schedule and on a map, which identified the owners and occupiers of the land parcels, to determine who was responsible for paying the tithe rent-charge.

29. Bearing in mind the purpose of the tithe documents, I am in agreement with the parties, who accepted that the application land had been part of the Manor of Gwidden at the time of the Sancreed tithe award, confirmed by the Tithe Commissioners on 14 December 1839. I consider that it has been demonstrated that the application land is, or was formerly, manorial land and, therefore, '*of a manor*' as required.

'Waste land'

30. By reference to *Attorney General v Hanmer (1858)*[4] ("*Hanmer*"), waste land of the manor was defined as "*the open, uncultivated and unoccupied lands parcel of the manor other than the demesne lands of the manor*". The determination as to whether or not the land is 'waste land' must be made in relation to the status at the time of the application, March 2013. I consider that it will be helpful to look at the evidence of historic and current use in order to inform the decision, under the heads of the definition, which is referred to by the current defra guidance[5].

Unoccupied

31. The earliest mapping arises from the tithe documents; the apportionments are statutory documents which were in the public domain and tithe maps have been treated by the courts as good evidence as to whether land was titheable or not. The Sancreed tithe apportionment set out that there were two thousand nine hundred acres, one rood and six perches of arable land, one thousand one hundred acres of furze land and six hundred acres used as common and heath within the parish. No description is given under '*State of Cultivation*' for any of the tithe entries relevant to the application.

32. The area of the ONR and the land to the south-west was identified within the apportionment number 1934. This is part of the '*Tenement in Buslow'*, occupied by Enoch Warren, with the description '*Tri-carn Common and Road'*. The road is coloured sienna and would have been likely to have had the capacity to diminish the productiveness of land for the assessment of tithe. However, it appears that the road was not fenced separately from the rest of the land it crossed and was assessed as part of the overall tithe rent-charge on this tenement, apparently considered productive, despite the road.

33. The relevant areas of land to the north-east of the ONR are both within the '*Tenement in Buswens'* with the description for apportionment 1972 being '*Long Stone Croft'* and 1974 '*Buswens Croft'*. Tithe rent-charge was made on both these areas and, as noted by the objectors, the land was recorded as being occupied, by Jakeh James and William Tresize respectively.

34. It seems that, even in the mid-nineteenth century, these areas were not unoccupied, with the payment of tithe on them also suggesting they were not assessed as uncultivated. This suggests that they would not be defined as 'waste land' under the near-contemporaneous *Hanmer*.

35. By contrast, entry 1976 is included within the '*Undivided common of Buswens*' and, along with apportionment number 1977, situated just to the north-west of Buswens, is described as '*Moor and Lane*'. I understand that this is partly within the St Just Town Council area. There were four named occupiers and no rent-charge is made for this area of land, a total of 37 acres, 1 rood and 19 perches with apportionment 2025, described as '*Common and Green Lane*'. The apportionments occupied by the named occupiers of the moor and land lie somewhat intermingled around the hamlet, or former hamlet, of Buswens, to

[4] 2 LJ Ch 837, 4 De G & J 205, 28 LJ Ch 511.
[5] Department for Environment, Food and Rural Affairs, Part 1 of the Commons Act 2006, Guidance to commons registration authorities and the Planning Inspectorate for the pioneer implementation (Version 1.46, January 2014)

the east of the application area and it seems likely that this land provided access to and from the hamlet.

36. Similarly, the strip of land running east from the air traffic control station is within the '*Common in Higher Tregerrast*' with the description for apportionment 1896 being '*Common*' with no rent-charge payable on a total of 34 acres, 2 roods and 39 perches, jointly occupied by three parties. I consider that the tithe documents demonstrate a difference between these and the other areas under consideration, even in the nineteenth century.

37. These two areas to the north-west and south-east were not shown as productive in the mid-nineteenth century and do not appear to be considered as such today. They are a track and verge and the verge of another track, over which there are no public highway rights recorded. I am satisfied, on the balance of probabilities that at the date of application this land was unoccupied.

38. The Ordnance Survey ("OS") mapping assists in showing the topography of the land. The 1880 OS map shows that whilst the ONR remained in a similar manner to its identification on the tithe map, the new road, now the B3188, North Road, had been constructed to the west. This crosses tithe apportionment 1934, with some of it now lying south-west of the road.

39. The ONR remains a public highway, now recorded as an unclassified road. The *County of Cornwall (Old North Road, Sancreed) (Restrictions on Driving) Order 1998* exercised powers under the Road Traffic Regulation Act 1984 to prevent vehicular use of the ONR, except for specific reasons. It is my understanding that the general public can use the ONR except with a vehicle, whilst some individuals retain vehicular rights for particular purposes.

40. Cornwall Council, as CRA and highway authority, has indicated that it would not object to the inclusion of the ONR as common land. Paragraph 22 of the 1965 Act sets out that *"…"common land"…does not include…any land which forms part of a highway*", although the CRA indicates that in practice highways were registered. Whilst the ONR has the appearance of a 'green lane', and seems to be used in the same way that a public right of way would be used, I consider that as a vehicular highway it is not appropriate to register it as common land. The verges, identified by the Council in a letter dated 30 May 2007 as being of 1 metre width, are road-side waste but whether they are also waste of a manor has not been demonstrated. This differs from the other tracks and verges under consideration, as these are not recorded as public highways.

41. The land to the south-west of the ONR has apparently been owned as part of Little Sellan since 1953. The tithe and OS mapping indicates that, with the exception of the north-eastern boundary fence against the ONR, the boundaries have been in place since at least the nineteenth century. In the 1960s the landowners received rent from the placement of dynamite stores in connection with mining and quarrying. The stock fencing on the north-eastern boundary against the ONR, now with access points for access land under the 2000 Act, was put in place in 2007. I consider, on balance, that this land is occupied.

42. Whilst owned by Little Sellan, and apparently subject to Rural Payments Agency payments, there is no obvious occupation of the small area of land immediately to the north-east of the ONR, which lies between the north-eastern road verge and the stone wall. The owners indicate that they have not

managed the land and have no objection to the registration as common land. It seems to me that it has been abandoned since at least 2007, when it was fenced separately from the rest of the land in that ownership. Gadsden[6] suggests that abandonment of land, and reversion to waste, is a possibility.

43. On the issue of 'unoccupied' the defra guidance sets out that "*land does not cease to be unoccupied (and therefore cease to be waste) merely because it is subject to a tenancy, lease or licence whose sole or principal purpose is to enable the land to be extensively grazed. Occupation requires some physical use of the land to the exclusion of others: such might occur if the land were occupied by a quarry, or were improved by a tenant (e.g. by cultivating and reseeding moorland) for his own exclusive use and benefit…*".

44. With regard to the two blocks of land to the north-east of the ONR, the land has been under an agricultural tenancy to the current tenant since 1985, with evidence of previous tenancies provided. The tithe map shows that the boundaries have remained much the same, however, I understand that further fencing and hedging has been undertaken in 1987, 1994 and 2008, to ensure the fields were stock-proof. The objector argues that the tenancy is not 'merely for extensive grazing', however, I consider it less clear-cut in this case that the land is occupied as intended by the 2006 Act.

45. Some reliance is placed upon the recording of land as access land under the 2000 Act to say that the land is not subject to exclusive occupation. Whilst I agree that the land is available to the public there are restrictions, with landowners or occupiers able to prevent public access at certain times in order to carry out certain works. It is not my understanding that public rights of access, whether under the 2000 Act or via public rights of way, displace the right of legal occupancy such that the land could be considered 'unoccupied' by an owner or tenant under the 2006 Act.

<u>Uncultivated</u>

46. Gadsden sets out that whether land has been cultivated will be a question of the degree of cultivation. I understand that much of the land is managed under Higher Level Stewardship ("HLS"), an agri-environment scheme administered by Natural England ("NE"). It seems that the applicants believe that the scheme requires that the land be 'uncultivated' in order for payments to be made and so they reasonably argue that the NE definition of 'uncultivated' may be relevant.

47. Referring to the NE website for the definition of '*What is meant by uncultivated land?*', apparently in relation to the Environmental Impact Assessment (Agriculture) (England)(No. 2) Regulations 2006, the applicants indicate that the definition says that "*Cultivation in this instance means: physical cultivation by agricultural soil disrupting activities such as ploughing, tine harrowing, sub-surface harrowing, discing and rotovating; chemical enhancement of the soil through the addition of organic and inorganic fertilisers and soil improvers."* I agree that there are some obvious types of cultivation, such as the grubbing up and clearing of moorland, draining, ploughing, fertilising and re-seeding.

[6] Cousins, E.F. & Honey, R. (2012), *Gadsden on Commons and Greens*, 2nd edition, London, Sweet and Maxwell

48. I bear in mind that any such definitions are constructed for the purposes of the particular matters to which they refer and also understand from the objectors that the HLS seeks to improve the semi-natural landscape, which may require low-level cultivation. The West Penwith Habitat Survey by Hewins Ecology, 2013, in relation to the Little Sellan land, refers to HLS management options targeted to specific semi-natural habitats. There is clearly an expectation of management of the land, which is also referred to by the Cornwall Wildlife Trust as managed heathland.

49. I note that in their prima-facie case for re-registration, the CRA appear to take the view that if the land is access land under 2000 Act then it is also uncultivated as it is defined as mountain, moor, heath or down. Whilst this may be a fair assumption at the outset of an investigation, it seems to me that the reasons for registration of the land under the 2000 Act would need to be taken into account. Land was classified under specific regulations and guidance and the character could subsequently alter due to agricultural management changes; I need to be satisfied as to whether the land was uncultivated at the time of the application I am considering.

50. In relation to the land south-west of the ONR, evidence was provided of former use for grazing pigs and later ponies, with current cattle grazing, the use of selective herbicides to control bracken density and agrichemicals to control Japanese Knotweed. In addition fire breaks have been cut and further scrub cutting undertaken, with controlled burns.

51. For the land to the north-east I was informed of the use since 1985, with controlled burns, firebreaks and the grazing of cattle in a similar manner to the other land. The land was also claimed to have been ploughed in part at one time. The north-western area of Long Stone Croft was used as a Council tip, which was apparently covered with soil in the mid-1960s. This area is visible on the aerial photography.

52. Taking account of all the evidence, and the arguments with regard to definitions, I consider that there has been low-level cultivation of these areas. I am satisfied that the intention has been, and is, to maintain both areas on a regular basis and that that intention and action has been demonstrated to have been occurring at the time of the application in 2013. I am satisfied that the level of management and cultivation has been such that the land cannot be said to be 'uncultivated' and this has destroyed the waste land status.

53. For the remaining areas of land, it has not been demonstrated that it has been cultivated. It remains outside the fenced and actively managed areas and so I am satisfied that this land is 'uncultivated'.

<u>Open</u>

54. The applicants seek to rely upon the definition of 'open' being the same as 'open character', set out by NE in relation to the 2000 Act and suggest that this concept of 'openness' should be the benchmark definition. They quote this as saying that "…*whilst individual land parcels might comprise enclosures of varying size, they will in combination form a landscape that provides open vistas (though sometimes these are interrupted by woodland, incised valleys or other local features).*" NE apparently say that "*Many areas of moorland include (on the edge of or within otherwise relatively large tracts of land) smaller areas*

bounded by walls or fences, which are an inherent part of the moorland landscape and will therefore be included as open country."

55. The objectors argue that this definition was for a specific and different purpose, under different legislation, and should not be relied upon in this context, referring me to Gadsden. I understand the reasoning of the applicants in seeking to rely upon the NE definition, as much of the land is being managed directly or indirectly in relation to NE schemes, as already discussed above, however, the defra guidance refers to the *Hanmer* definition.

56. I note that the applicants seek to argue that the definition of open has nothing to do with the matter of fencing, however, Gadsden sets out that "*Open, in this context, means unenclosed."* There was some discussion as to whether Gadsden was referring to physical or legal 'en-/in-closure'. I am satisfied from the context that the land being 'enclosed' refers to a physical action, whilst 'inclosure' relates to the legal process, such as under the Inclosure Acts, generally arising in the nineteenth century. I do not agree that Gadsden implies that enclosed land is necessarily taken into the Lords demesne as that will depend upon who fences the land and when.

57. I consider that prior to, and at the date of, the application the blocks of land south-west and north-east of the ONR were enclosed by fences and stone walls, which have been erected, renewed or maintained over at least the previous almost thirty years, with some boundaries remaining since at least the nineteenth century. I consider, on the balance of probabilities, that these areas are not unenclosed, and therefore are not 'open', as required.

58. It seems to me that the remaining areas of land, north-east of the ONR and the tracks or verges to the north-west and south-east, are not enclosed. The land referred to above has been enclosed from these tracks and roads to ensure that it is stock-proof and, therefore, in my view the fencing has been against the remaining land, not on the land itself. I am satisfied that these areas are 'open', with unobstructed access available from the public highways, despite the positioning of rocks, bunds and gates to prevent unauthorised vehicular access to the ONR.

Summary

59. I am satisfied that some of the application land has been shown, on the balance of probabilities, to be open, uncultivated and unoccupied, that being the tracks, verges and the abandoned land to the north-east of the ONR. The other areas, including the ONR itself, do not, in my view, satisfy the definition as 'waste land', as in March 2013 they were, on the balance of probabilities, enclosed, subject to low level cultivation and/or occupied.

60. In relation to the areas which were withdrawn from the application by the applicants during the process, no evidence has been presented, and I have seen nothing on site to indicate, that this land should in fact be registered.

Other matters

61. Whilst I note the comment of the applicants that one landowner has not objected to the application, the tenant indicates that he is acting with the support of the owner. I do not consider this assists in my decision either way.

62. Concerns were raised about the interaction of NE with the general public and landowners; management of environmental stewardship and conservation grazing schemes; management of particular land areas, including access points to open country and use of particular chemical treatments; the identification of certain land as open country; possible access improvements; the potential effects upon agricultural management of the land and cattle; or, accountability should it be recorded as common land. I am aware of the importance of these points to those living and working in the area, however, they are not matters I am able to take into account under the legislation.

Conclusions

63. Having regard to these and all other matters raised at the hearing and in the written representations, I conclude, on the balance of probabilities, that the criteria for the registration of the application land as common land under paragraph 4 (2) of the Schedule 2 to the 2006 Act has been met for part of the land applied for.

Heidi Cruickshank
Inspector

APPEARANCES

For the Commons Registration Authority:

Mr M Wright	Cornwall Council

For the Applicants, Save Penwith Moors:

Mr I Cooke

Mr D Coles

In Objection:

Mr P James

Mr C Trembath

Mr W Babcock

Interested Parties:

Mr J Mortimer	Country Land and Business Association
Mr G Clark	Country Land and Business Association

Mr I Flindall

Mr L Harvey

Mr W Trewern

DOCUMENTS

1 Plan of the area

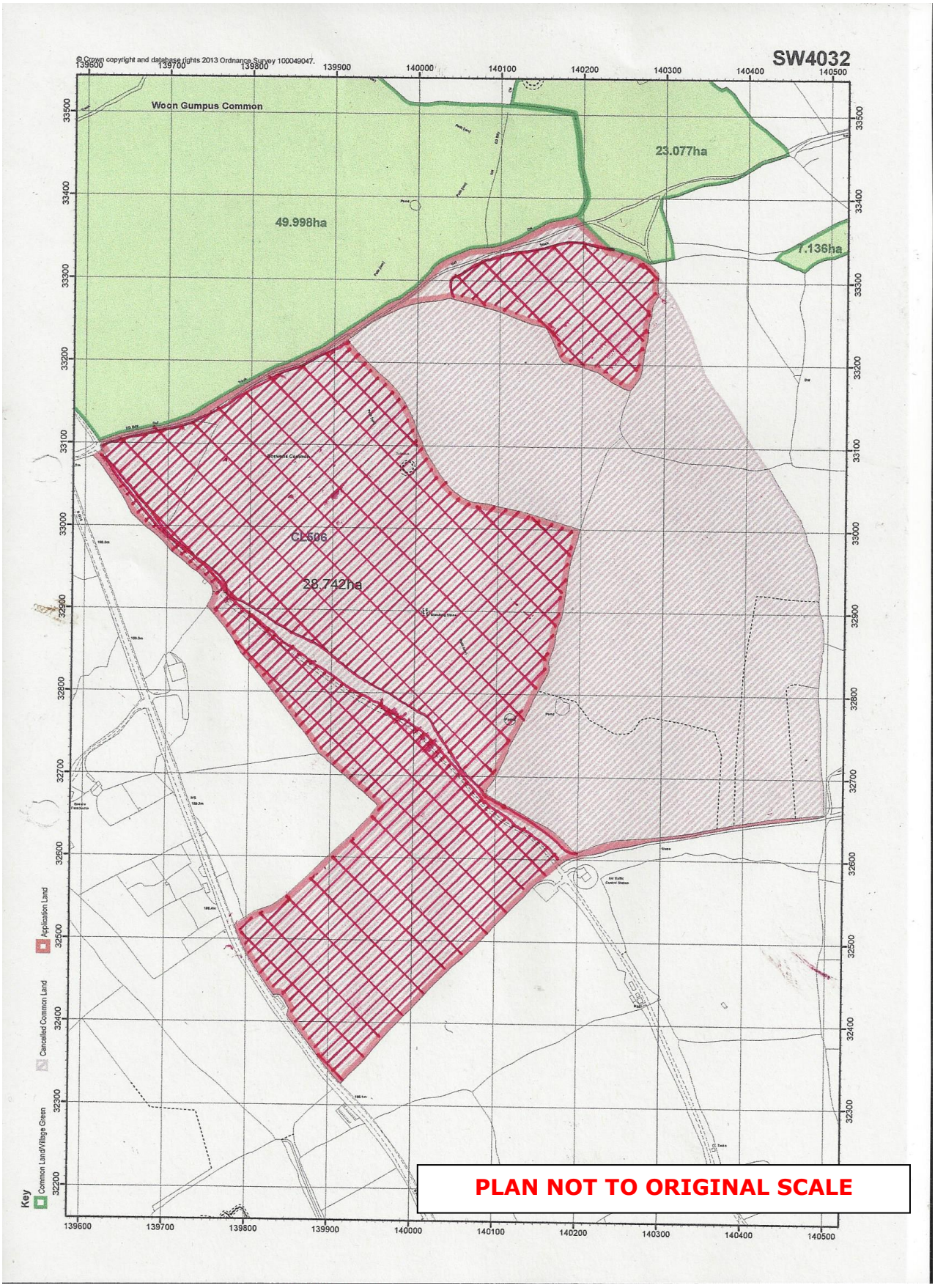
2 E-mail regarding the Old North Road

3 Information submitted by Mr Babcock

4 Information submitted by Mr Trembath

5 CLA excerpts from Gadsden

6 Closing statement from Save Penwith Moors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SW4032
Woon Gumpus Common
23.077ha
49.998ha
7.136ha
CL506
28.742ha
PLAN NOT TO ORIGINAL SCALE
Key
Application Land
Cancelled Common Land
Common Land/Village Green
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